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**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH**

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MOLLY J. MULLIGAN; and  
JOHN P. MULLIGAN,

Plaintiffs,

v.

ALUM ROCK RIVERSIDE, LLC, a  
California limited liability company; BRETT  
H. DEL VALLE and TRACI M. DEL  
VALLE as Co-Trustees of the Del Valle  
Family Trust dated October 30, 2002,

Defendants.

**NOTICE OF REMOVAL**

Case No. 1:25-cv-00008-DAK

Judge Dale A. Kimball

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT**  
**COURT FOR THE DISTRICT OF UTAH:**

PLEASE TAKE NOTICE that Defendant Alum Rock Riverside, LLC (“*Alum Rock*”), pursuant to 28 U.S.C. § 1446 and DUCivR 81-2, has removed the civil action currently pending as Case No. 240908957 in the Utah Second Judicial District Court to this court. A civil cover sheet is attached as **Exhibit 1**. Alum Rock alleges the following grounds

for removal:

1. Alum Rock removes this case based on the diversity jurisdiction set forth in 28 U.S.C. § 1332.

2. Plaintiffs Molly M. Mulligan and John P. Mulligan (the “*Mulligans*”) are citizens of, and domiciled in, the State of Illinois. The Mulligans also own property located in Weber County, Utah.

3. Defendant Alum Rock is a limited liability company created under the laws of the State of California. The citizenship of Alum Rock’s members is as follows:

- a. Sung Hwan Hwang, who is domiciled in the State of California.
- b. Young Soon Hwang, who is domiciled in the State of California.

4. Defendant Brett H. Del Valle is a citizen of, and domiciled in, the State of California.

5. Defendant Traci M. Del Valle is a citizen of, and domiciled in, the State of California.

6. Alum Rock was served a copy of the state court complaint on January 21, 2025.

7. On information and belief, Brett H. Del Valle and Traci M. Del Valle have not been served a copy of the summons or complaint. No return of service has been filed in the state court case for these defendants, and neither defendant has appeared.

8. Because Brett H. Del Valle and Traci M. Del Valle have not been served, they are not required to join in this notice or otherwise consent to removal. *See* 28 U.S.C.

§ 1446(b)(2)(A) (“[w]hen a civil action is removed solely under section 1441(a), all

defendants who have been properly joined and *served* must join in or consent to the removal of the action.”) (emphasis added).

9. In the complaint, the Mulligans seek nonmonetary relief and damages regarding a home that is worth approximately \$1.8 million. The object of the Mulligans’ action is to defeat Alum Rock’s judgment lien rights against the home or otherwise obtain a declaration that Alum Rock’s lien did not attach to any interest in the home. Because the home is worth approximately \$1.8 million, the amount in controversy is substantially greater than \$75,000.

10. Alum Rock certifies that the following attachments are filed concurrently with this notice:

- a. A copy of the complaint is attached as **Exhibit 2**.
- b. A copy of the state court docket sheet is attached as **Exhibit 3**.
- c. No scheduling order or notice of event due dates has been filed.
- d. A copy of all pleadings, motions, orders, and other relevant filings, organized in chronological order, is attached as **Exhibit 4**.

DATED this 23rd day of January, 2025.

BENNETT TUELLER JOHNSON & DEERE

/s/ KC Hooker

Benjamin D. Johnson

KC Hooker

*Attorneys for Defendant Alum Rock Riverside, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of January, 2025, I caused a true and correct copy of the foregoing **NOTICE OF REMOVAL** to be electronically filed with the Court ECF system which served notification upon counsel of record as follows:

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